

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BRANDON MCGUIRE,

Plaintiff,

V.

DIRECTOR OF NURSING HDSP, et al.,

Defendants.

Case No.: 2:23-cv-02070-RFB-MDC

ORDER

(ECF No. 1)

9 On December 15, 2023, pro se plaintiff Brandon McGuire, an inmate in the custody
10 of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983
11 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to
12 proceed *in forma pauperis* is incomplete because **Plaintiff did not sign the bottom of**
13 **the application attesting that it was signed under penalty of perjury, and he did not**
14 **include a financial certificate or an inmate trust fund account statement for the**
15 **previous six-month**. The Court will deny Plaintiff's application without prejudice and give
16 Plaintiff the opportunity to correct these deficiencies **by March 11, 2024**.

17 | I. DISCUSSION

18 The United States District Court for the District of Nevada must collect filing fees
19 from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee
20 for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55
21 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the
22 fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev.
23 Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate
24 must submit **all three** of the following documents to the Court: (1) a completed
25 **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the
26 Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a
27 completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is
28 properly signed by both the inmate and a prison or jail official; and (3) a copy of the

1 **inmate's prison or jail trust fund account statement for the previous six-month**
2 **period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*
3 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
4 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

5 As explained above, Plaintiff's application to proceed *in forma pauperis* is
6 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*
7 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing
8 fee or file a new fully complete application to proceed *in forma pauperis* with all three
9 required documents.

10 **II. CONCLUSION**

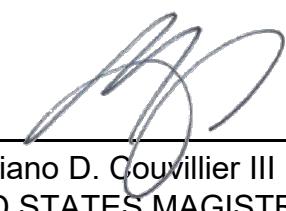
11 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
12 is denied without prejudice.

13 It is further ordered that Plaintiff has **until March 11, 2024**, to either pay the full
14 \$405 filing fee or file a new fully complete application to proceed *in forma pauperis* with
15 all three required documents: (1) a completed application with the inmate's two signatures
16 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
17 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
18 previous six-month period.

19 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
20 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
21 to refile the case with the Court, under a new case number, when Plaintiff can file a
22 complete application to proceed *in forma pauperis* or pay the required filing fee.

23 The Clerk of the Court is directed to send Plaintiff Brandon McGuire the approved
24 form application to proceed *in forma pauperis* for an inmate and instructions for the same
25 and retain the complaint (ECF No. 1) but not file it at this time.

26 DATED THIS 19th day of January 2024.

27 
28 Maximiliano D. Couvillier III
UNITED STATES MAGISTRATE JUDGE